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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,669	01/17/2002	Susumu Takatsuka	100809-00162(SCEY 19.350)	2201

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KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER	
COBURN, CORBETT B	
ART UNIT	**PAPER NUMBER**
3714	6

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/046,669	TAKATSUKA ET AL.
	Examiner	Art Unit
	Corbett B. Coburn	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Virtual Creature Raising Game With Marriage.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 contains the limitation, "a step of displaying a screen for setting a conversation language for the virtual game character for which at least the appearance was selected." It is unclear what a screen for setting a conversation language has to do with selecting the character's appearance. It is presumed that Applicant wishes the screen for setting a conversation language to be used to select the conversation language.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 6 & 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. (US Patent Number 6,253,167).

Claims 1, 10, 12, 14: Matsuda teaches a recording medium (hard disk -- Abstract) having recorded therein a program and data used on a program execution system that comprises a program execution device for executing various programs, at least one operational device for allowing a user to enter an operation request as an operational instruction into the program execution device, and a display device for displaying an image output from the program execution device. (Fig 3) The program comprises a step of generating a virtual game character (avatar or virtual life object) based at least on appearance and personality parameters (Fig 8) of the virtual game character entered according to the operational instruction by the user. (Col 11, 18-44)

Claim 2: Generating the virtual game character comprises a step of displaying an appearance selection screen for displaying one appearance selected from a plurality of appearances – Col 11, 22-23. Matsuda teaches user selection of the appearance of the avatar. There are motion selection icons for allowing the virtual game character having a

selected appearance to move. (Fig 9 shows icon E for causing the avatar to play tag – i.e., to move.)

Claim 3: Matsuda teaches the user setting personality parameters (Fig 8) for the virtual game character for which at least the appearance is selected. (Col 11, 18-44) There must inherently be some mechanism for making this choice. This must be a personality setting screen for the virtual game character for which at least the appearance is selected.

Claims 5, 11, 13, 15: Matsuda teaches a recording medium having recorded therein a program and data used on a program execution system that comprises a program execution device for executing various programs. There is at least one operational device (i.e., mouse) for allowing a user to enter an operation request as an operational instruction into the program execution device (i.e., computer), and a display device for displaying an image output from the program execution device. (Fig 3) The program comprises a step of raising one or more virtual game characters displayed on the display device. The character raising step comprises a step of setting at least conducts of the virtual game character displayed on the display device based on the operational instruction by the user corresponding to a generated event. Fig 9 shows icons for setting the conduct of the virtual game character.

Claim 6: There is a step of determining motion of the virtual game character based on the set conduct information – activating the "E button" cause the virtual game character to play tag.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda as applied to claim 1 above, and further in view of Shackelford (US Patent Number 6,554,679).

Claim 4: Matsuda teaches the invention substantially as claimed. Matsuda teaches setting a language ability parameter (Fig 8), but does not teach a step of displaying a screen for setting a conversation language for the virtual game character for which at least the conversation language is selected. Shackelford teaches a virtual character raising game in which the virtual character may speak more than one language. Shackelford teaches a step of displaying a screen for setting a conversation language for the virtual game character for which at least the conversation language is selected. (Col 12, 1-12) Shackelford teaches that this is attractive to parents who wish their child to learn a second language. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuda to include a screen for setting a conversation language for the virtual game character for which at least the conversation language is selected as suggested by Shackelford in order to be attractive to parents who wish their child to learn a second language.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda as applied to claim 5 above, and further in view of Yokoi (US Patent Number 5,966,526).

Claim 7: Matsuda teaches the invention substantially as claimed. Matsuda teaches breeding (which is equivalent to marriage) of virtual characters (Abstract), but does not teach the details of how this is accomplished. Yokoi gives the details of the breeding of virtual creatures. Yokoi teaches a step of generating an event for virtually marrying (i.e., breeding or coupling), through a network, the virtual game character under raising by the user to another virtual game character under raising by another user. (Fig 12) A breeding function increases the player enjoyment of the game by allowing the player to create new virtual pets. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsuda as suggested by Yokoi to include teaches a step of generating an event for virtually marrying (i.e., breeding or coupling), through a network, the virtual game character under raising by the user to another virtual game character under raising by another user in order to increase the player enjoyment of the game by allowing the player to create new virtual pets.

Claim 8: Yokoi teaches the step for generating an event comprises a step of informing the user of a virtual game character who attained the marriageable age from one or more virtual game characters. (Col 12, 36-58) If the creature has not attained marriageable age, the coupling is not allowed to take place and the creature goes to sleep. The act of coupling informs the player that the virtual game character has attained marriageable age.

Claim 9: Yokoi's Fig 12 (SP73) determines whether the two characters are suitable for coupling (i.e., marriage). (Col 12, 35-56) This is essentially, a step of generating an event for arranging a premarital interview between the virtual game character raised by the user and another virtual game character raised by another user.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Stoneking et al.	5,982,390	Avatars
Ventrella	6,545,682	Avatars & Avatar genetics
Matsuda et al.	6,268,872	Virtual Pet
Matsuda et al.	6,292,198	Virtual Pet

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc

JESSICA HARRISON
PRIMARY EXAMINER